

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IGT and IGT CANADA SOLUTIONS, ULC,**  
*Plaintiff*

v.

**ZYNGA INC.,**  
*Defendant*

**Case No. 1:23-cv-885-ADA**

**JURY TRIAL DEMANDED**

**ORDER SEVERING AND STAYING CLAIMS OF THE '089, '064, AND '212 PATENTS**

Before the Court is Plaintiffs IGT and IGT Canada Solutions, ULC (“IGT”) and Defendant Zynga Incl Joint Motion to Sever and Stay Claims of the '089, '064, and '212 Patents Pending Any Appeals of Inter Partes Review Decisions (ECF No. 226).

In the Joint Motion to Sever and Stay (ECF No. 226), to sever and stay IGT’s infringement claims for U.S. Patent Nos. 7,168,089 (the “’089 patent”), 8,795,064 (the “’064 patent”), and 8,266,212 (the “’212 patent”) pending any appeals of the Final Written Decisions in inter partes reviews invalidating each of the asserted claims for those patents. *Id.* They also request that the Court denies without prejudice pending motions related to the severed patents and allow resubmission of those motions in the event the stay is lifted. *Id.* The parties further agree to file a joint status report concerning their respective positions on whether any of the severed and stayed claims should be reinstated within 14 days from the latter of either (1) the completion of the last appeal (including any petitions for certiorari), or (2) the expiration of the period within which IGT must seek any such appeal. *Id.*

Noting that motion is joint, the Court hereby **GRANTS** the request. The Court’s Clerk is directed to sever: IGT’s infringement claims for U.S. Patent Nos. 7,168,089 (the “’089

patent”), 8,795,064 (the “’064 patent”), and 8,266,212 (the “’212 patent”). The Court’s Clerk is then directed to stay the new case.

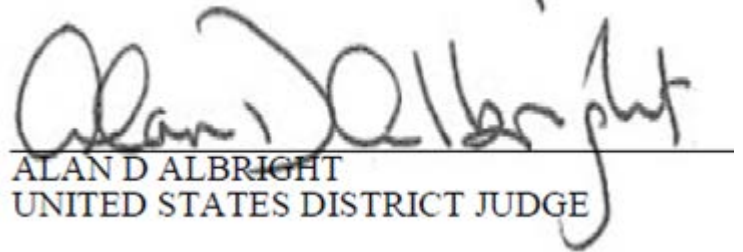
In the severed action against Zynga, the Court’s Clerk is direct to include Plaintiff’s complaint (ECF No. 1), Notice of Filing of Patent/Trademark Form and Rule 7 Disclosures (ECF Nos. 2-4, 10, 76), IGT’s Amended Complaint (ECF No. 7), Notice of Joint Case Readiness Status Report (ECF No. 15), Protective order (ECF No. 28), Claim Construction Briefing (ECF Nos. 25, 27, 33, 34, 39, 40, 41, 42), Order Appointing Technical Advisor (ECF No. 46), Claim Construction Order (ECF No. 64), Second Amended Complaint (ECF No. 70), Answer to Second amended complaint (ECF No. 72); Protective Order (ECF No. 71), Opposed Motion to Transfer Case to Austin Division briefing and order (ECF Nos. 63, 79, 81, 224), Order on Motions in Limine (ECF No. 220), and Agreed Motion to Sever and Stay (ECF No. 226), and this instant order.

Further, in accordance with the joint motion, in the current action 1:23-cv-885, the Court **DENIES WITHOUT PREJUDICE** all of the following Motions, with leave to refile in the new stayed case: Zynga’s Renewed and Converted Motion for Summary Judgment on the ’064 Patent (ECF No. 126); Zynga’s Motion for Summary Judgment on the ’089 Patent (ECF No. 127); Zynga’s Motion for Summary Judgment that Asserted Patent 8,266,212 Is Not Infringed or Patent Eligible (ECF No. 129); IGT’s Motion for Partial Summary Judgment of No Invalidity Based on Alleged System Prior Art (ECF No. 131); IGT’s Motion for Partial Summary Judgment of No Invalidity Under § 112 (ECF No. 132); and IGT’s Motion to Exclude-in-Part Certain Opinions of Dr. Chatterjee Relying on an Unproduced Version of Diablo II (1.09) in Violation of Rule 37 (ECF No. 135).

Parties are further **ORDERED** to file a joint status report concerning their respective positions on whether any of the severed and stayed claims should be reinstated within 14 days

from the latter of either (1) the completion of the last appeal (including any petitions for certiorari), or (2) the expiration of the period within which IGT must seek any such appeal.

**SIGNED** this 12th day of September, 2023.



ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE